

BOARD OF DIRECTORS – ACTION SUMMARY
Wednesday, June 8, 2005 – 6:00 p.m.

Administration Building
2101 Hurley Way, Sacramento, CA

CALL TO ORDER

The meeting was called to order by President Granados. Board Members present: Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley. Director Kelly, absent. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

PLEDGE TO FLAG

AWARDS – (Turner)

Civilian Award—Life Saving Commendation—Tyson Hampton

Captain Steve Turner presented an overview of the life saving incident.

Mr. Hampton was alerted to a fire in another apartment complex by screams for help from two women stranded on a second floor balcony with fire below. He left his apartment and scaled a 10' fence and directed the two to a safer nearby roof area before he helped them to the ground by catching one and slowing the fall of another.

Fire Chief Martinez presented the Life Saving Commendation plaque to Tyson Hampton in recognition of his quick and selfless actions performed on April 12, 2005 in rescuing the two women from a fast growing fire prior to the arrival of Metro Firefighters.

ADDITION TO THE AGENDA

Counsel Price stated two items have arisen since the posting of the Agenda and requested addition of the following to the Closed Session:

PERSONNEL MATTERS

Pursuant to California Government Code Section 54957
Communications Center

- Board Action:
Goold/Jones—approve addition to the Closed Session. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.

THREAT TO SECURITY OF PUBLIC SAFETY AGENCIES AND EMPLOYEES

Pursuant to California Government Code Section 54957(a)

Consultation with: Fire Chief

- **Board Action:**
Engellenner/Goold—approve addition to the Closed Session. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion carried.

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**CONSENT AGENDA:****1. Special Board Meeting Action Summary—May 16, 2005**

- **Board Action:**
Goold/Engellenner—approve Consent Agenda. Directors Engellenner, Goold, Granados, Lawson, Trujillo, Valley, AYE. Directors Duveneck and Jones, abstaining. Director Kelly, absent. Motion carried.

ACTION ITEM(S)**1. Ordinance No. 2-05—Revision of Capital Fire Facilities Impact Fee—(Appel)**

- President Granados declared a conflict of interest.
- Deputy Chief Appel stated the District has been collecting a Capital Fire Facilities fee for the construction of new fire stations for the last two and one-half years.

At the last meeting, Project Manager Horel outlined the modifications to the Fire Station Construction Plan with increased costs for property acquisition and fire station construction; Mr. Kuebelbeck, consultant on the Development Fee Forecast 2005, presented the rationale and updated rates.

- Vice President Engellenner reopened the public hearing on the proposed ordinance. There being no comment, the public hearing was closed.

- Staff recommends the adoption of this ordinance to adjust the Capital Fire Facilities Fee; effective September 1, 2005.

- **Board Action:**

Duveneck/Jones—adopt the ordinance. Directors Duveneck, Engellenner, Goold, Jones, Lawson, Trujillo, Valley, AYE. Director Granados, abstaining. Director Kelly, absent. Motion passed.

2. Ordinance No. 3-05—Revision of Fire Prevention User Fees—(Appel)

- President Granados declared a conflict of interest.
- Deputy Chief Appel stated this item was removed from the last Board meeting agenda for an amendment to the proposed ordinance.

This ordinance provides for an adjustment to the existing fire prevention user fees to recover actual costs for performing the services.

- Vice President Engellenner opened the public hearing on the proposed ordinance. There being no comment, the public hearing was closed.
- Staff recommends the adoption of this Ordinance to adjust our fire prevention fees.

The ordinance provides for waiver of fees by the Fire Chief for non-profit organizations upon submittal of a written request.

- **Board Action:**

Jones/Duveneck—adopt the ordinance. Directors Duveneck, Engellenner, Goold, Jones, Lawson, Trujillo, Valley, AYE. Director Granados, abstaining. Director Kelly, absent. Motion passed.

3. Election – Alternate Special District Commissioner – Sacramento Local Agency Formation Commission (LAFCo)—(Granados)

- A runoff election is required since no candidate received a majority of votes cast.

- **Board Action:**

Engellenner/Duveneck—vote to elect Gay Jones. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.

**4. Wittenham Place Annexation to Citrus Heights
Water District-LAFCo (03-05)—(Appel)**

- The territory proposed for annexation into the Citrus Heights Water District currently is not served by a municipal water system.
- This annexation would enhance our life safety service delivery capabilities to the affected area and would not create an adverse fiscal impact on the District.
- Staff recommends the District Board go on record in support of the proposed annexation of territory under Sacramento LAFCo Application (03-05) into the Citrus Heights Water District and direct staff to prepare a confirmation communiqué to Sacramento LAFCo.
- **Board Action:**
Engellenner/Goold—Approve staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.

**5. Gum Ranch Annexation to Fair Oaks
Water District—LAFCo (04-05)—(Appel)**

- The territory proposed for annexation into the Fair Oaks Water District currently is not serviced by a municipal water system.
- This annexation would enhance our life safety service delivery capabilities to the affected area and would not create an adverse fiscal impact on the District, but in fact would be beneficial.
- Staff recommends the District Board go on record in support of the proposed annexation of territory under Sacramento LAFCo Application (04-05) into the Fair Oaks Water District and direct staff to prepare a confirmation communiqué to Sacramento LAFCo.
- **Board Action:**
Engellenner/Valley—adopt the staff recommendation. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.

6. Subsidy of Medical Benefits Premium for SCERS Annuitants—(Appel)

[Taken Out of Order after Awards]

- Director Valley declared a conflict of interest.
- Due to the SCERS earnings deficiency last year, our Board authorized the District to begin making medical benefit premium subsidies for its 28 retired employees or their beneficiaries from the former North Highlands and Florin Fire Districts for fiscal year 2004/05 at the rate previously contributed by SCERS. On May 16, 2005, District staff was advised that the SCERS earnings remain deficient and funds were not authorized for medical benefit premium subsidies for our annuitants and not anticipated to resume in future years.
- As a result of the SCERS earnings deficiency, the County Board of Supervisors approved Resolution 2005-0491 continuing the medical benefit premium subsidy for its County annuitants through December 31, 2006.
- Establishing a medical benefits premium subsidy equal to that authorized by the Board of Supervisors for County annuitants would continue the maximum fiscal impact to the District of \$71,160 for 2005/2006.
- Recommend staff be directed to prepare a Resolution for Board consideration at the June 22, 2005 regular meeting for the continuation of the former North Highlands and Florin Fire District annuitants' medical benefit premium subsidy.

Requested Board direction on crafting the Resolution and its content.

- Director Trujillo stated the Policy Committee at its meeting approved picking up the cost with a five-year sunset and review after that time.
- Director Goold recommended this resolution be in perpetuity.
- Captain Pat Monahan, Local 522, thanked the Board and Policy Committee for their support of the firefighters and the SCERS annuitants.
- Lynn Frost, representing the retired employees, thanked the Board for what they have done and the proposal tonight is more than anticipated.
- **Board Action:**
Goold/Lawson—approve District continuation of the medical subsidy premiums for the duration of the lives of the annuitants and/or their beneficiaries and review the adequacy of the subsidy on a five-year basis. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, AYE. Director Valley, abstaining. Director Kelly, absent. Motion passed.

7. Access Control—Phase II—(Ritter)

- Item removed from the Agenda.

8. Resolution No. 19-05—Issuance of 2005/2006 Stand-Alone Tax Revenue Anticipation Notes (TRAN)—(Houghton/Appel)

[Taken Out of Order]

- Dennis Ciocca of Sutter Securities, the District's financial advisor, provided a brief overview of timelines for issuance of the TRAN: sale to be held in San Francisco with receipt of bids on June 21 at 10 a.m., closing on July 6 with immediate offsetting investment of funds into a Guaranteed Investment Contract. First time the District has sold its TRAN on its own and on a competitive bid basis. He will return with a full report once the sale is completed.

The TRAN will be rated P-1 by Moody's Investors Service, the highest possible rating for investment notes.

- For each 1% difference in the TRAN yield (interest paid to bond holders) and the interest earned in a Guaranteed Investment Contract (GIC), the District can earn \$400,000.
- Staff recommends adoption of the resolution authorizing the issuance of the Stand-Alone TRAN for the 2005/2006 fiscal year.
- **Board Action:**
Goold/Duveneck—adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.

9. Resolution No. 20-05—Authorizing Execution of Interjurisdictional Employee Exchange Agreement Involving Battalion Chief James Woodward and California Military Department—(Martinez)

- This position was held by Assistant Chief Haverty and is now being filled by Battalion Chief Woodward.
- The California Military Department discovered a Resolution from the governing body is necessary even though the District has participated in these types of exchanges previously.

- This resolution contains necessary provisions and authorizes the reassignment of Battalion Chief Woodward to the California National Guard.
 - **Board Action:**
Engellenner/Goold—adopt the Resolution authorizing the execution of the Interjurisdictional Employee Exchange Agreement. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.
 - Fire Chief Martinez brought up a related comment. Under normal circumstances, this action creates a vacancy. The Board in the past weighed in not to backfill this position. He requested direction from the Board on whether or not to backfill now, which means the appointment of an Engineer, Captain, and Battalion Chief.
 - President Granados expressed concern relative to tracking the numbers on the Staffing Document and one of his questions to the auditors was to look into that but still waiting for an answer. Not in favor until this is resolved.
- Fire Chief Martinez stated a document will be prepared.
- In response to Director Goold relative to Brown Act issues, Counsel Price stated the Board can by motion give staff direction to do something by a voice vote.
 - **Board Action:**
Goold/Valley—approve backfilling the position. Directors Duveneck, Goold, Jones, Valley, AYE. Engellenner, Granados, Lawson, Trujillo, NO. Director Kelly, absent. Motion failed by a 4 – 4 vote.
 - Item to be brought back and placed on the next Agenda as an Action Item.

10. Resolution No. 21-05—Industrial Disability Retirement Application for Fire Captain William V. Brown, Jr.—(Appel)

[Considered after the Closed Session]

- Work related injury precluding performance of duties in the position of Fire Captain.
- Application filed with the Public Employees' Retirement System.
- Recommend approval; retirement effective June 30, 2005.

- **Board Action:**
Engellenner/Goold—adopt the Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Lawson, Trujillo, Valley, AYE. Director Kelly, absent. Motion passed.

PRESENTATION ITEM (S)

PRESIDENT'S REPORT—(Granados)

- Toured Station 115 this afternoon. Quite a few changes/modifications were made but unable to locate costs in the budget except for the emergency authorization of \$80,000 for the boiler. Requested the cost of the Station 115 modifications.

Fire Chief Martinez stated many station modifications do not come before the Board but information could be provided on all of the stations.
- Inquired about other contracts similar to the one for Battalion Chief Woodward.

Fire Chief Martinez stated technically there is one other for Battalion Chief John Wagner.
- Requested a written explanation from Ms. Safford relative to providing district phones for public use.
- Concern expressed with delayed response by Counsel Price relative to his late handout being made available to the general public.

FIRE CHIEF'S REPORT—(Fire Chief Martinez)

- Discussion was not a violation of the Brown Act but a violation of Board Policy.

Counsel Price stated he clearly explained the Brown Act provisions at the time the question was asked.
- Information on station modifications will be provided.
- June 10 at 7 p.m. – Fire Recruit Academy Graduation at McClellan – 24 graduates of which 17 are paramedics.

GENERAL COUNSEL'S REPORT—(Price)

- A settlement has been reached in the case of Donald Balm vs Sacramento Metropolitan Fire District, WCAB SAC 0320301. Within settlement authority provided by the Board of Directors, staff and Workers' Compensation Counsel have secured a stipulated settlement award in the amount of \$42,840 plus costs for future medical treatment to cure or relieve the effects of the injury.

COMMITTEE AND DELEGATE REPORTS:**Executive Committee—(Granados)**

- Next meeting: Monday, June 20, 2005 at 8 a.m. in the Board Room.
Board Clerk's contract along with another issue will be scheduled.

Communications Center Delegate—(Engellenner)

- Penny Adams was officially installed as the Manager of the Communications Center on June 1, 2005. Doing a terrific job.
- Next meeting: June 28, 2005 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Received a presentation on last week's meeting. Congratulated the excellent work of the JPA staff.

Former JPA President, Fire Chief Dave Carlson, retired. Fire Chief Martinez stated his retirement is June 17 and a resolution can be sent from Metro Fire.
- Next meeting: September 23, 2005 – 10 a.m.

Finance Committee—(Jones)

- Next meeting: June 22, 2005 – 5:00 p.m.

Policy Committee—(Trujillo)

- Received presentation on today's meeting.

Pending legislation supported: AB 1234 relating to local agencies: compensation and ethics – update following June 15 hearing; and ACA 16 – would reduce voter threshold for Special Taxes related to Public Safety to 55%.

Items for Next Agenda:

- Policy on Notification of Board Members on Sensitive Issues.
- Director Lawson provided clarification on the mileage and fuel monitoring stating a more accountable recording system is needed and not a daily report, with a report to go back to the Finance Committee.

Fire Chief Martinez stated staff will bring back a report to the Policy Committee based on today's discussion prior to Board presentation.

- Starting in July, meeting dates will be switched with the Finance Committee.

Next meeting: July 27, 2005 – 5:00 p.m.

CLOSED SESSION 6:30 PM

[Taken Out of Order following Awards and Action Item #6]

RECONVENE TO OPEN SESSION 6:50 PM

Report by General Counsel Price:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(a) – One (1) Case

William V. Brown, Jr. vs Sacramento Metropolitan Fire District
WCAB SAC 0289739 and SAC 0312979

The Board reviewed the medical basis for this industrial disability retirement.

The Resolution for consideration is under Action Item No. 10.

2. PERSONNEL MATTERS

Pursuant to California Government Code Section 54957
Communications Center

The Board was briefed on certain personnel actions relating to the Communications Center. No action taken.

**3. THREAT TO SECURITY OF PUBLIC SAFETY AGENCIES
AND EMPLOYEES**

Pursuant to California Government Code Section 54957(a)

Consultation with: Fire Chief

The Fire Chief briefed the Board on certain security issues that are currently pending. No action taken.

BOARD MEMBER QUESTIONS AND COMMENTS:**Duveneck:**

- In favor of advancement of personnel on the promotional list.
- Disagreed with President Granados on the need for the Station 115 costs.
- Unable to attend but applauded the Fire Recruits graduating on Friday. Glad to hear so many are paramedics. Extended thanks last week to the Station 107 ambulance crew for their work, to include all those encountered in the ER room at Kaiser Hospital.

Goold:

- Called for a stakeholder's vision meeting of all local and regional politicians with this Board taking the lead to begin the process of retooling the current regional mutual aid agreements.
- Suggested development of an ad hoc committee relative to a Business Services Division at Metro Fire.
- Encouraged the Economic Development and Planning Committee presentation be placed on the Agenda.
- Thanked Station 24 – last week his niece was hit by a car and fractured her pelvis. This crew saw a small dog fatally injured lying next to his niece to protect her after the event. After she was transported to the medical center, they transported the dog to a vets facility for treatment where it was eventually put down. Their actions were above and beyond the call of duty but this small event typifies what goes on every single day. This is not a Standard Of Operation but the essence of patient advocacy. It is our obligation to make sure this continues by being the best fire department and moving forward on policy related issues.

Engellenner:

- The Bee touched on mutual aid in an editorial on the helicopter involving cost sharing.

Requested Fire Chief Martinez meet with staff and come back in 30 days on possible ways for outside billing/cost sharing with other entities when the helicopter leaves District air space.

Jones:

- Wished Director Goold's niece a speedy recovery.

Trujillo:

- Expressed concern and disappointment regarding District staff responses and actions to his requests for information as a public official. Cited a public incident exhibiting lack of control and invited the Fire Chief to meet Directors halfway in working together. He asked the Fire Chief for a public apology.

Lawson:

- Extended his sympathy to Director Goold's niece.
- Congratulated the Fire Recruits graduating June 10.
In response to his inquiry, seating in the first two rows is reserved for Board members and guests at the Graduation.

Valley:

- The main thing the Directors want is information from the Fire Chief when requested to formulate a correct consensus and was certain we can all work together.

Granados:

- His concern was the article in the Sunday Bee that left an impression that the Board of Directors is not minding the store and not informed.

When he toured Station 115, he was unaware of the many modifications and wanted to assure the public that funds are spent appropriately.

ADJOURNMENT – Meeting adjourned at 8:15 p.m.

Gregory A. Granados, President

Matt Kelly, Secretary

Charlotte Tilson, Clerk of the Board